

# Young Moore

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**Via Email: govops@ncleg.net**

Joint Committee on North Carolina Board Assembly  
Government Operations

Re: Consultation on Fee Change  
State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors

Gentlemen:

Pursuant to G.S. 12-3.1, I write to request consultation regarding fee.

Pursuant to legislation passed in the summer of 2016, the Board has proposed the fee and to adopt proposed rule 21NCAC 50 .0312, .0313, .0414 and .1140 to create new state and government technician qualifications, inspection requirements and fees as follow:

**21NCAC 50 .0312 STATE AND LOCAL GOVERNMENT PLUMBING OR HEATING  
TECHNICIAN**

(a) In order to determine the qualifications of an applicant for a license as a State or local government plumbing or heating technician, the Board shall provide a written or computer-based examination in the following categories:

- (1) State and Local Government Plumbing Technician
- (2) State & Local Government Heating Group No. 1 Technician
- (3) State & Local Government Heating Group No. 2 Technician
- (4) State & Local Government Heating Group No. 3 Technician

(b) Applicants for a license as a State & Local Government Plumbing or Heating Technician must obtain a license based on experience set forth in Rule .0312(c) and must pass the Class I technical and Board laws and rules part of the Board-administered examination related to the category for which a technician license is sought. Such applicant need not pass the business part of the examination.

(c) Applicants for a license as a State & Local Government plumbing or heating technician shall present evidence adequate to establish 3000 hours of full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed.

(d) Applicants for a license as a State & Local Government Technician who currently hold an active plumbing, or heating contractor license issued by this board may qualify for the corresponding State and local government technician license without examination.

**21 NCAC 50 .0313            RESPONSIBILITIES OF STATE AND LOCAL GOVERNMENT TECHNICIAN  
LICENSEES**

(a) A licensed state & local government technician licensee shall be required to list their license with the Board in the name of the state & local government agency by whom the licensee is employed,

(b) The holder of license as a State & Local Government Heating, Group 1 Technician, Heating, Group 2 Technician, Heating Group 3 Technician or Plumbing Technician shall be a full-time employee of a State or Local Government agency.

(c) A licensed state & local government technician licensee shall ensure that a permit is obtained from the appropriate state or local Code Enforcement official before commencing any work for which a license is required by the Board. The licensee shall also ensure that a request for final inspection of the work for which a license is required is made within 10 days of the earlier of the system being made operational or placed in service, absent agreement with the appropriate state or local Code Enforcement official. Absent agreement with the local Code Enforcement official the licensee is not relieved of responsibility to the Board to arrange inspection until a certificate of compliance or the equivalent is obtained from the appropriate state or local code enforcement official or the licensee has clear and convincing evidence of his effort to obtain the same.

(d) The failure of a licensee to comply with the permit and inspection obligations outlined in this Rule shall be considered by the Board as evidence of incompetence or misconduct in the use of license from the Board.

(e) A licensed state & local government technician licensee is responsible for general supervision to the extent of his qualifications, compliance with all applicable codes and standards, and assurance that permits and inspections are obtained.

(f) The general supervision required by G.S. 87-26 is that degree of supervision which is necessary and sufficient to ensure that the work is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules. General supervision requires that review of the work done pursuant to the state and local government technician license be performed by the state and local government technician licensee while the work is in progress.

(g) In each state or local government agency location, branch or facility of any kind from which work requiring a license pursuant to G.S. 87, Article 2 is carried out there shall be on duty the lesser of 1500 hours annually, or all hours during which the activities described herein are carried out, at least one individual who holds the appropriate state & local government technician license in the classification required for the work being proposed or performed, whose license is listed in the name of the particular state or local government agency at that location, and who is engaged in the work of the state or local government at the agency location or at an agency job site and who has the responsibility to exercise general supervision over the work and who has been empowered to act for the state or local government agency, as defined in Rule 21 NCAC .0505 of this Chapter, of all work falling within his license

qualification. Evidence of compliance shall be required as a condition of renewal or retention of license and falsification shall constitute fraud in obtaining license. The standards set forth in Rule 21 NCAC 50 .0512 shall be applied.

(h) An unlicensed person who is directly and regularly employed by state & local government agency licensed pursuant to G.S. 87, Article 2 is not required to have a license and shall not be subject to an action for injunctive relief brought by the Board if the unlicensed person is a bona-fide employee of the state & local government.

(i) The annual license fee for a State & Local Government Technician license is one hundred thirty dollars (\$130.00), except as provided in subsection (j) below.

(j) The annual license fee for a State & Local Government Technician Plumbing or Heating Technician license which is listed as the second or subsequent licensee at the same agency location is sixty-five dollars (\$65.00).

**21 NCAC 50.0414 SUPERVISION IN ABSENCE OF INSPECTION** In lieu of the supervision required by 21 NCAC 50.0505, the holder of the qualifications upon which a license is based shall personally examine all work performed in reliance upon the license at completion and before the work is placed in service to assure that the installation, replacement or repair is performed in compliance with the current edition of the NC Building Codes and the manufacturers installation instructions, where the work will not be examined and approved by a person holding qualification from the Code Officials Qualification Board.

Proposed rule 21NCAC 50 .0405 propose revise the rule for multiple licenses to include the new technicians as follow:

**21 NCAC 50 .0405 MULTIPLE LICENSES** is proposed amended as follows:

(a) In order to maintain the identity of firms and allow effective supervision, each licensed contractor or technician shall qualify only the business location where he is primarily located.

(b) A licensee may be listed on only one contractor license at any given time, whether the license is issued in the name of the individual or in the name of a firm; provided, however, that the fire sprinkler maintenance technician qualification and the state and local government technician qualification may be listed separately in the name of the employer to which restricted.

(c) The holder of qualification as a contractor may, upon deletion of his name and qualifications from a firm license, reinstate his personal license, either as an individual or in the name of some other corporation, partnership, or business that has a trade name, upon compliance with G.S. 87-26.

(d) A technician licensee, other than the holder of a Fire Sprinkler Maintenance Technician license, may, upon deletion of his name and qualification from a firm license, move his qualification to another licensed corporation, partnership or business which has a trade name, upon compliance with G.S. 87-26.

Proposed rule 21NCAC 50 .1104 proposes to revise the rule to allow the Board to charge the retail price for the reference materials rather than addressing supply price changes continually through the rulemaking process:

**21 NCAC 50 .1104            FEES FOR COPIES OF RECORDS AND RETURNED CHECKS**

The Board charges the following fees:

(1)	copies of license	\$20.00
(2)	abstract of license record	\$25.00 per license record search
(3)	processing fee for returned checks	maximum allowed by law
(4)	copy of Board rules	\$10.00
(5)	processing fee for late renewal	\$25.00
(6)	Business and Project Management for Contractors	<del>\$45.00</del> <u>Publisher's Retail Price</u>

The reason for the change is that Session law 2016, Chapter 105 (HB 742) mandated creation of a new subset of license for licensees who work for school systems or state or local government and who wish to be able to moonlight while their license is listed in the name of the State or local agency. These rules effectuate the legislation by specifying experience, exam requirements, responsibilities and fees.

As rulemaking coordinator and counsel to the Board, I ask that you not hesitate to contact me or Dale Dawson, Executive Director of the Board, with any questions.

Sincerely yours,

YOUNG MOORE AND HENDERSON, P.A.

*John N. Fountain*

By:

John N. Fountain

JNF/jdf

cc:     Dale Dawson

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